REMARKS

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph. In response to this objection claims 1 and 10 are amended.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent 6,721,316 (EPPS). The examiner is respectfully requested to allow these claims (as amended) for the reasons set forth below.

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Claim 1

Claim 1 (as amended) recites a step (a) of "receiving each incoming packets and generating a cell sequence corresponding to the incoming packet wherein each cell of the cell sequence contains a separate portion of the data included in the incoming packet and wherein each cell of each generated cell sequence is of a uniform size". The rest of the method relates to determining whether to discard each cell or save the cell in memory and forward it to another network switch port.

EPPS describes a network switch that receives a packet (113, FIG. 1 or 2) at an input port and then decides whether to discard the entire packet or save it in a buffer memory and then forward it from the buffer memory to an output port. FIFO 215 (FIG. 2 and 3) temporarily stores the packet (col. 5 lines 50-62) until pipeline switch 220 (FIGs. 2-4) can process the packet header to determine information about the packet (col. 5, line 63- col. 7, line 6). A buffer manager 240 (FIG. 2), responds to information from pipeline switch 22 by either discarding the packet or storing it in a buffer memory (queue) 245 (FIG. 2) and later reading the packet out and forwarding it to an output port via the switch interface 170 (FIG. 2). As discussed at column 29, line 66 - col. 30, line 8, a queue manager 1220 (FIG. 12) within buffer manager 240 uses a "weighted random early detection" (WRED) algorithm to determine whether to discard each packet or to store it in the buffer queue.

Although EPPS teaches to use a WRED algorithm to determine whether to save or store each incoming packet, EPPS does not anticipate claim 1 because EPPS does not teach dividing incoming packets of varying size into sequences of uniform size cell as recited in claim 1 and then making a decision as to whether to discard or save on a cell-by-cell basis (where each cell contains a separate portion

of the packet rather than the whole thing), rather than on a packet-by-packet basis.

Claims 2- 10

Claims 2-10 depend on claim 1 and are patentable over EPPS for similar reasons.

Claim 11

Claim 11 (as amended) recites an apparatus including elements having function similar to the steps of the method recited in claim 1 and is therefore patentable over EPPS for similar reasons.

Claims 12- 20

Claims 12-20 depend on claim 11 and are patentable over EPPS for similar reasons.

In view of the foregoing amendments and remarks, it is believed the application is in condition for allowance. Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

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